

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.,

Petitioner,

v.

LANDSCAPE SPECIALISTS, INC.,

Respondent.

Civil Action No. 1:19-cv-04670-DAB

Hon. Deborah A. Batts

**DECLARATION OF ADAM J. KAISER
IN SUPPORT OF PETITIONER'S
MEMORANDUM OF LAW IN
OPPOSITION TO RESPONDENT'S
MOTION TO DISMISS AND IN
SUPPORT OF ITS CROSS-MOTION
TO APPOINT AN ARBITRATOR AND
ENJOIN LANDSCAPE FROM
PURSUING ITS DUPLICATIVE
CALIFORNIA ACTION**

I, Adam J. Kaiser, declare and state as follows:

1. I am a partner at the law firm of Alston & Bird LLP, counsel to Petitioner National Union Fire Insurance Company of Pittsburgh, PA ("National Union") in the above-captioned action. I make this Declaration, of my own personal knowledge and based upon the documents in my possession referred to herein, in opposition to Respondent Landscape Specialists, Inc.'s ("Landscape") motion to dismiss and in support of NUFIC's cross-motion to appoint an arbitrator and enjoin Landscape from pursuing its duplicative California action.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the cover letter, Notice of Intention to Arbitrate, and Demand for Arbitration, excluding exhibits, served on Landscape on or about May 5, 2017.

3. Attached hereto as **Exhibit 2** is a true and correct copy of an email exchange between the undersigned, counsel for National Union, and Richard Collins, counsel for Landscape, dated January 29, 2019 through March 20, 2019.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Complaint, excluding exhibits, filed on June 20, 2019 in *Landscape Specialists, Inc. v. National Union Fire Ins. Co. of Pittsburgh, PA et al*, Case No. 30-2019-01078250-CU-BC-CJC, in Superior Court of California, County of Orange.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Notice of Removal, excluding exhibits, filed on July 23, 2019 in *Landscape Specialists, Inc. v. National Union Fire Ins. Co. of Pittsburgh, PA et al*, Case No. 8:19-cv-01419 in the United States District Court for the Central District of California.

6. Attached hereto as **Exhibit 5** is a true and correct copy of an email, including the attachment, sent by Ray Reyna, Senior Underwriter at National Union's parent-company American International Group, Inc. ("AIG"), to Bertha Carrillo, Account Manager at SullivanCurtisMonroe, on January 29, 2014, attaching the Quotation for Casualty Insurance Program for Landscape for a program effective February 1, 2014 through February 1, 2015.

7. Attached hereto as **Exhibit 6** is a true and correct copy of an email, including the attachment, sent by Robert F. Brooks, Underwriting Specialist at AIG, to Bill Curtis, of SullivanCurtisMonroe, on January 30, 2015, attaching the Quotation for Casualty Insurance Program for Landscape for a program effective February 1, 2015 through February 1, 2016.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Binder for Casualty Insurance Program for Landscape for a program effective February 1, 2014 through February 1, 2015.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Binder for Casualty Insurance Program for Landscape for a program effective February 1, 2015 through February 1, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5, 2019

By: /s/ Adam J. Kaiser

Adam J. Kaiser